

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THE PARKS OF SHAMROCK VILLAGE
CONDOMINIUM ASSOCIATION, a
Michigan Non-Profit Corporation,

Plaintiff,

Civil No. 24-11227

Honorable

v

MARIAH SMITH, ERICKA BACON, and
SECRETARY OF HOUSING AND
URBAN DEVELOPMENT,

Defendants.

Notice of Removal

Defendant, United States of America, petitioner herein, by its attorneys, pursuant to 28 U.S.C. §§ 1441(a), 1444 and 1446, hereby removes this action (Case No. 2024-004545-CH), which is now pending in Wayne County Circuit Court for the State of Michigan from said state court to the United States District Court for the Eastern District of Michigan, Southern Division.

This action is subject to removal because plaintiff seeks to sue the United States of America under 28 U.S.C. § 2410 and any action brought under section 2410 against the United States may be removed by the United States to the district court of the United States in which the action is pending. 28 U.S.C. § 1444.

The above-entitled action was filed against defendants on or about March 27, 2024; formal service of process was made upon the petitioner on or about April 12, 2024. Copies of all process and pleadings in possession of petitioner are attached hereto.

For removals of suits covered by 28 U.S.C. § 1441 and 1442, removal of the entire action by the federal government alone is hereby effected without joinder of any of the other parties in the Notice of Removal. *See* 14C *Wright, Miller & Cooper, Federal Practice and Procedure: Jurisdiction 3d*, § 3727 at 166-68 & nn. 74 & 75; 16 *Moore's Federal Practice*, §§ 107.15[1][b][v] at 107-122.7; 107.15[1][b][iii] at 107-122.3 & n.26; 107.15[1][b][i] at 107-117; *Johnson v. Showers*, 747 F.2d 1228, 1229 (8th Cir. 1984).

DAWN N. ISON
United States Attorney

s/K. Craig Welkener

K. Craig Welkener
Assistant U.S. Attorney
211 W. Fort St., Ste. 2001
Detroit, MI 48226
(313) 226-0248
Kenton.Welkener@usdoj.gov

Date: May 8, 2024

Certificate of Service

I hereby certify that on May 8, 2024, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system.

I further certify that I will send by U.S. mail the foregoing paper to the following non-ECF participants:

TILCHIN & HALL, P.C.
Adam Randall (P73758)
39500 High Pointe Blvd Ste 470
Novi, MI 48375-5500

Clerk of the Court
Wayne County Third Judicial Circuit Court
2 Woodward Ave
Detroit, MI 48226

Mariah Smith and Ericka Bacon
14066 Breakfast Drive
Redford, MI 48239

s/K. Craig Welkener

K. CRAIG WELKENER
Assistant U.S. Attorney
211 W. Fort St., Ste. 2001
Detroit, MI 48226
(313) 226-0248
Kenton.Welkener@usdoj.gov

4/8/2024
Curtis
E6STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

SUMMONS

CASE NO.
24-004545-CH
Hon. John H. Gillis, Jr.

Court telephone no.: 313-224-5243

Plaintiff's name(s), address(es), and telephone no(s)
The Parks of Shamrock Village Condominium
Association

v

Defendant's name(s), address(es), and telephone no(s).
Secretary of Housing and Urban Development
c/o U.S. Attorney's Office
211 W. Fort St., Ste. 2001
Detroit, MI 48226Plaintiff's attorney, bar no., address, and telephone no
Adam Randall 73758
39500 High Pointe Blvd Ste 470
Novi, MI 48375-5500**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been

previously filed in ☐ this court, ☐ Court, where it was given case number _____ and assigned to Judge _____.The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

issue date
3/27/2024Expiration date*
6/26/2024Court clerk
Jacqueline Ruff

Cathy M. Garrett- Wayne County Clerk.

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (3/23)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



SUMMONSCase No. : **24-004545-CH****PROOF OF SERVICE**

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail , return receipt requested, and delivery restricted to the addressee(copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Fee \$	
Incorrect address fee \$	Miles traveled \$	Fee \$	Total fee \$

Signature

Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with

Attachments (if any) _____ on _____ Date and time

_____ on behalf of _____

Signature

24-004545-CH FILED IN MY OFFICE Cathy M. Garrett WAYNE COUNTY CLERK 3/27/2024 9:41 AM Jacqueline Puff

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THE PARKS OF SHAMROCK VILLAGE
CONDOMINIUM ASSOCIATION, a Michigan
Non-Profit Corporation,

Case No. 2024-
Honorable -CH

Plaintiff,

v.

MARIAH SMITH, ERICKA BACON
and SECRETARY OF HOUSING AND
URBAN DEVELOPMENT

Defendants.

TILCHIN & HALL, P.C.
ADAM RANDALL (P73758)
Attorneys for Plaintiff
39500 High Pointe Blvd., Ste. 470
Novi, MI 48375
(248) 349-6203
adamrandall@tilchinhall.com

COMPLAINT FOR NON-PAYMENT OF CONDOMINIUM ASSESSMENTS

There is no other pending or resolved civil
action arising out of the same transaction or
occurrence as alleged in this complaint.

For its Complaint, Plaintiff, The Parks of Shamrock Village Condominium Association,
states as follows:

1. Plaintiff, The Parks of Shamrock Village Condominium Association (the "Association"), is a Michigan non-profit corporation, organized to administer the affairs of The Parks of Shamrock Village, a condominium project located in the Township of Redford, Wayne County, Michigan.
2. The Association was established, among other things, by the recording of a Master Deed, Condominium Bylaws, and Condominium Subdivision Plan in Liber 47599, Pages 891

through 969, Wayne County Records, designated as Wayne County Subdivision Plan No. 980.

3. Defendants, Mariah Smith and Ericka Bacon, are the record owners of the following described property in the Township of Redford, County of Wayne, State of Michigan (hereinafter referred to as the "Unit"), to wit:

Unit 231, THE PARKS OF SHAMROCK VILLAGE, according to the Master Deed recorded in Liber 47599, Pages 891 through 969, Wayne County Records, as amended, and designated as Wayne County Condominium Subdivision Plan No. 980, together with rights in general common elements and limited common elements, as set forth in the above Master Deed and as described in Act 59 of the Public Acts of Michigan of 1978.

Commonly known as: 14066 Breakfast Drive, Redford, MI 48239
Tax ID No. 79-023-04-0231-000

and are thereby subject to the Condominium Documents.

4. On information and belief, Defendants Mariah Smith and Ericka Bacon reside in the Unit.
5. Defendant, Secretary of Housing and Urban Development, may have an interest in the Unit by virtue of a Mortgage, dated May 1, 2022, and recorded on June 17, 2022, in Liber 57695, Page 201, Wayne County Records, which interest is inferior and junior to the Association's interest pursuant to MCL 559.208(1).
6. This Court has jurisdiction over this matter pursuant to MCL 559.208(2) and MCL 600.3101.
7. Pursuant to the Condominium Bylaws and MCL 559.169, the expenses of administering The Parks of Shamrock Village are assessed against the Defendants' Unit in accordance with its percentage of value as stated in the Master Deed.
8. Plaintiff has duly levied assessments and other charges in compliance with the Master Deed and the Condominium Act, however, Defendants have failed, refused, and/or neglected to pay said assessments and are thereby in default.
9. Pursuant to the Condominium Act, MCL 559.208(3), and Article II, Section 7(c) of the Condominium Bylaws, Plaintiff recorded a Notice of Lien on January 19, 2023, in Liber

58048, Page 624, Wayne County Records, and served a copy of the document on Defendants more than ten (10) days prior to commencement of this action.

10. As of March 25, 2024, Defendants owe Plaintiff, over and above all legal setoffs, the total sum of \$2,470.50, which consists of \$575.00 in unpaid assessments through March 2024, \$370.00 in unpaid late fees through March 2024, \$75.00 in administrative fees through March 2024, and \$1,450.50 in unpaid attorney fees and costs through the date of this Complaint together with interest at the rate of 7% in accordance with the Condominium Bylaws for as long as such amounts remain unpaid.
11. Further assessments accrue on the first of January, April, July, and October at the rate of \$80.00 or such further rate duly established by the Association's board of directors, along with a late fee of \$20.00 per month if payment in full is not received before the 10th day of each month.
12. No other proceedings have been had to recover the debt claimed by said lien, or any part thereof, and no part of the previously mentioned indebtedness due and owing has been collected or paid.

WHEREFORE, Plaintiff respectfully requests the following relief:

- A. Determine and declare that Defendants have defaulted in the payment of assessments and other charges made against the Unit and enter a judgment of foreclosure and money judgment as Plaintiff may elect pursuant to MCL 559.208 for the outstanding charges and such other charges that may become due during the pendency of this action;
- B. Determine the priorities of all parties claiming an interest in the Unit and, if Plaintiff elects foreclosure, order a sale of the Unit in foreclosure of Plaintiff's lien subject to any superior interests in the Unit but free and clear of any junior interests;
- C. Award Plaintiff its costs and attorney fees against Defendants, pursuant to MCL 559.206(b) and the Condominium Bylaws;

- D. Enter a judgment of deficiency against the Defendants, if, upon sale in foreclosure of Plaintiff's lien, the amounts recovered are insufficient to pay Plaintiff's claims in full;
- E. Appoint a receiver for the unit during the pendency of this action pursuant to MCL 559.208(7) if the Unit is not owner occupied;
- F. Grant such other relief as may be appropriate under the circumstances.

Respectfully submitted,

TILCHIN & HALL, P.C.

By: /s/ Adam Randall
Adam Randall (P73758)
Attorneys for Plaintiff
39500 High Pointe Blvd., Ste. 470
Novi, MI 48375
(248) 349-6203

Dated: March 27, 2024

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THE PARKS OF SHAMROCK VILLAGE
CONDOMINIUM ASSOCIATION, a Michigan
Non-Profit Corporation,

Case No. 2024-004545-CH
Honorable John H. Gillis, Jr.

Plaintiff,

v.

MARIAH SMITH, ERICKA BACON
and SECRETARY OF HOUSING AND
URBAN DEVELOPMENT

Defendants.

TILCHIN & HALL, P.C.
ADAM RANDALL (P73758)
Attorneys for Plaintiff
39500 High Pointe Blvd., Ste. 470
Novi, MI 48375
(248) 349-6203
adamrandall@tilchinhall.com

NOTICE OF LIS PENDENS

Notice is hereby given that a suit has been commenced and is pending in said Court, upon a Complaint filed by The Parks of Shamrock Village Condominium Association, above-named Plaintiff, against the above-named Defendants, for foreclosure of a lien for unpaid assessments payable to The Parks of Shamrock Village Condominium Association, bearing the date of January 17, 2023, on behalf of the Plaintiff against Defendants, Mariah Smith and Ericka Bacon, and recorded in the Office of the Register of Deeds for said County of Wayne on January 19, 2023, in Liber 58048, Page 624, and that the lien premises affected by the said foreclosure is situated in the Township of Redford, in the County of Wayne, in the State of Michigan, and described in said lien as follows, to wit:

Unit 231, THE PARKS OF SHAMROCK VILLAGE, according to the Master Deed recorded in Liber 47599, Pages 891 through 969, Wayne County Records, as amended, and designated as Wayne County Condominium Subdivision Plan No. 980, together with rights in general common elements and limited common elements, as set forth in the above Master Deed and as described in Act 59 of the Public Acts of Michigan of 1978.

ANS374250.1.9

Commonly known as: 14066 Breakfast Drive, Redford, MI 48239
Tax ID No. 79-023-04-0231-000

THE PARKS OF SHAMROCK VILLAGE
CONDOMINIUM ASSOCIATION

By:



Adam Randall (P73758)
TILCHIN & HALL, P.C.
Attorney for The Parks of Shamrock Village
Condominium Association
39500 High Pointe Blvd., Ste. 470
Novi, MI 48375

Dated: March 28, 2024

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

On March 28, 2024, before me appeared Adam Randall, attorney for The Parks of Shamrock Village Condominium Association, known to me to be the person who executed the above Notice of Lis Pendens on behalf of said corporation, and acknowledged the same to be the duly authorized free act and deed of the corporation.



Notary Public

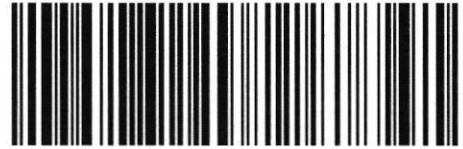
Drafted by and when
recorded return to:

Adam Randall
Tilchin & Hall, P.C.
39500 High Pointe Blvd., Ste. 470
Novi, MI 48375
(248) 349-6203

File No. 4728.058

BRIANNA N. ANDREASEN
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires Oct. 11, 2030
Acting in the County of Oakland

USPS CERTIFIED MAIL



9214 8901 4298 0400 6911 68

0009374250000010

Secretary of Housing and Urban Development
c/o U.S. Attorneys Office
211 W. Fort Street, Ste. 2001
Detroit, MI 48226



See Important Information Enclosed

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